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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN, JR., et al.,  
Defendants.<sup>1</sup>

Case No. C94 2307 CW

**SUPPLEMENTAL DECLARATION OF  
RICHARD M. PEARL IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL  
COMPENSATION AT PLAINTIFFS'  
COUNSEL'S REASONABLE 2010  
HOURLY RATES**

<sup>1</sup> The names of Defendants currently serving and their capacities have been substituted pursuant to Fed. R. Civ. P. 25.

1 I, Richard M. Pearl, declare:

2 1. I am a member in good standing of the California State Bar. I am in private practice  
3 as the principal of my own law firm, the Law Offices of Richard M. Pearl. I specialize in issues  
4 related to court-awarded attorneys' fees, including the representation of parties in fee litigation and  
5 appeals, serving as an expert witness, and serving as a mediator and arbitrator in disputes  
6 concerning attorneys' fees and related issues. In this case, I have been asked by counsel for Kay  
7 McKenzie Parker to express my opinion regarding the hourly rates Ms. Parker and her counsel  
8 have requested in this matter.

9 2. Briefly summarized, my background is as follows: I am a 1969 graduate of Boalt  
10 Hall School of Law, University of California, Berkeley, California. I took and passed the  
11 California Bar Examination in August 1969, but because I was working in Atlanta, Georgia for the  
12 Legal Aid Society of Atlanta (LASA), I was not admitted to the California Bar until January 1970.  
13 I worked for LASA until summer of 1971, when I went to work in California's Central Valley for  
14 California Rural Legal Assistance, Inc., (CRLA), a statewide legal services program. From 1977  
15 to 1982, I was CRLA's Director of Litigation, supervising more than fifty attorneys. In 1982, I  
16 went into private practice, first in a small law firm, then as a sole practitioner. Martindale Hubbell  
17 rates my law firm "AV." I also have been selected as a Northern California "Super Lawyer" in  
18 Appellate Law for 2005, 2006, 2007, 2008, and 2010. A copy of my Resume is attached hereto as  
19 **Exhibit A.**

20 3. Since 1982, my practice has been a general civil litigation and appellate practice,  
21 with an emphasis on cases and appeals involving court-awarded attorneys' fees. I have lectured  
22 and written extensively on court-awarded attorneys' fees. I have been a member of the California  
23 State Bar's Attorneys Fees Task Force and have testified before the State Bar Board of Governors  
24 and the California Legislature on attorneys' fee issues. I am the author of California Attorney Fee  
25 Awards, (3d ed Cal. CEB 2010). I also was the author of California Attorney Fee Awards, 2d Ed.  
26 (Calif. Cont. Ed. of Bar 1994), and its 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003,  
27 2004, 2005, 2006, 2007, and 2008 Supplements. This treatise has been cited by the California  
28 appellate courts on more than 35 occasions. *See, e.g., Lolley v. Campbell* (2002) 28 Cal. 4th 367,

1 373; *Chacon v. Litke* (2010) 181 Cal. App. 4th 1234, 1259. I also authored the 1984, 1985, 1987,  
 2 1988, 1990, 1991, 1992, and 1993 Supplements to its predecessor, CEB's California Attorney's  
 3 Fees Award Practice. In addition, I authored a federal manual on attorneys' fees entitled  
 4 Attorneys' Fees: A Legal Services Practice Manual, published by the Legal Services Corporation.  
 5 I also co-authored the chapter on "Attorney Fees" in Volume 2 of CEB's Wrongful Employment  
 6 Termination Practice, 2d Ed. (1997).

7 4. More than 90% of my practice is devoted to issues involving court-awarded  
 8 attorneys' fees. I have been counsel in over 150 attorneys' fee applications in state and federal  
 9 courts, primarily representing other attorneys. I also have briefed and argued more than 40  
 10 appeals, at least 25 of which have involved attorneys' fees issues. In the past dozen or so years, I  
 11 have successfully handled four cases in the California Supreme Court involving court-awarded  
 12 attorneys' fees: 1) *Delaney v. Baker* (1999) 20 Cal. 4th 23, which held that heightened remedies,  
 13 including attorneys' fees, are available in suits against nursing homes under California's Elder  
 14 Abuse Act; 2) *Ketchum v. Moses* (2001) 24 Cal. 4th 1122, which held, *inter alia*, that contingent  
 15 risk multipliers remain available under California attorney fee law, despite the United States  
 16 Supreme Court's contrary ruling on federal law (note that in *Ketchum*, I was primary appellate  
 17 counsel in the Court of Appeal and "second chair" in the Supreme Court); 3) *Flannery v. Prentice*  
 18 (2001) 26 Cal. 4th 572, which held that in the absence of an agreement to the contrary, statutory  
 19 attorneys' fees belong to the attorney whose services they are based upon; and 4) *Graham v.*  
 20 *DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, which I handled, along with trial counsel, in both  
 21 the Court of Appeal and Supreme Court. I also successfully represented the plaintiffs in a previous  
 22 attorneys' fee decision in the Supreme Court, *Maria P. v. Riles* (1987) 43 Cal. 3d 1281, and  
 23 represented *amicus curiae*, along with Richard Rothschild, in *Vasquez v. State of California* (2009)  
 24 45 Cal. 4th 243. I also have handled several Ninth Circuit attorneys' fees matters, including *Davis*  
 25 *v. City & County of San Francisco* (9th Cir. 1992) 976 F.2d 1536, *Mangold v. CPUC* (9th Cir.  
 26 1995) 67 F.3d 1470, *Velez v. Wynne* (9th Cir. 2007) 2007 U.S. App. LEXIS 2194, and *Camacho v.*  
 27 *Bridgeport Financial, Inc.* (9th Cir. 2008) 523 F.3d 973. I also have had substantial experience  
 28 with attorneys' fees awards in environmental cases; for example, I recently represented the

1 Plaintiffs on the attorneys' fee portion of the appeal in *Center for Biological Diversity v. County of*  
 2 *San Bernardino* (2010) 185 Cal. App. 4th 866. For an expanded list of my reported decisions, *see*  
 3 Exhibit A.

4 5. The 2011 rate for my services is \$675 per hour, which is the rate I charge new  
 5 market-rate paying clients. I currently have numerous clients paying my market rate fees, including  
 6 government entities. My hourly rates also have been found reasonable by numerous courts and  
 7 paid by numerous defendants in settlement. My 2010 rate of \$650 per hour was found reasonable  
 8 in *Veronese v. Lucasfilm, Ltd*, Marin County Superior Court No. CV091548, Statement of  
 9 Decision filed February 3, 2011, in *H.B. et al v. Las Virgenes Unified School Dist.* C.D. Cal. No.  
 10 CV CAS 04-8572(SSx), Fee Order filed September 29, 2010, and in *Northwest Energetic Services,*  
 11 *LLC v. California Franchise Tax Board*, San Francisco Superior Court No. CGC-05-437721. My  
 12 2009 hourly rate of \$600 per hour was found reasonable in *Duran v. U.S. Bank*, Alameda County  
 13 Superior Court No. 2001-035537, Order Granting in Part and Denying in Part Plaintiffs' Motion  
 14 for Reasonable Attorneys Fees etc., filed December 16, 2010, and *Alcoser et al v. Thomas*,  
 15 Alameda County Superior Court No. RG03112134, Order Granting in Part Plaintiffs' Motion for  
 16 Attorneys' Fees and Costs, filed June 30, 2009. My 2008 rate of \$550 per hour was found  
 17 reasonable in *Cruz v. Alhambra*, Ninth Circuit Court of Appeals No. 06-55811, Order, filed  
 18 January 28, 2010, and in *Saephan v. Oakland Unified School District*, N.D. Cal. No. C-06-4428  
 19 JCS, Fee Order dated January 20, 2009; it also was paid in full by the State for my appellate work  
 20 in *Naidu v. California Public Utilities Commission*, 2008 Cal. App. Unpub. 6350. My 2008 hourly  
 21 rate was also found reasonable in *Camacho v. Bridgeport Financial, Inc.*, N.D. Cal. No. C-04-  
 22 00478 CRB, Order filed August 25, 2008, and in *Chacon v. Litke*, San Francisco Superior Court  
 23 No. CGC-06-448337, Opinion and Order on Plaintiffs' Motion for Award of Attorneys' Fees, filed  
 24 November 26, 2008, *affirmed* (2010) 181 Cal. App. 4th 1234.

25 6. In the past two years, I have been retained by the State of California on various  
 26 matters. In 2009, the State paid me at my standard rate of \$600 per hour. In 2010, the State paid  
 27 me at my standard rate of \$650 per hour.

7. I am familiar with the nature and litigation history of this case. I also am familiar with the backgrounds and qualifications of each of the attorneys and others for whom fee are being requested in this case, and the rates that are being requested for their services. I am particularly familiar with the qualifications, experience, and work of Sanford Jay Rosen, as we have worked against each other and with each other, and consulted on numerous occasions about court-awarded attorney's fees. He is a leading expert in this field and his work is excellent, as is his reputation and that of his firm.

8. Through my writing and practice, I have become familiar with the non-contingent market rates charged by attorneys in California and elsewhere. This familiarity has been obtained in several ways: (1) by handling attorneys' fee litigation; (2) by discussing fees with other attorneys; (3) by obtaining declarations regarding prevailing market rates in cases in which I represent attorneys seeking fees; and (4) by reviewing attorneys' fee applications and awards in other cases, as well as surveys and articles on attorney's fees in the legal newspapers and treatises.

9. The information regarding hourly rates that I have gathered, some of which is summarized below, shows that the rates requested by Plaintiffs' counsel in this case are well in line with the non-contingent market rates charged for reasonably similar services by litigation attorneys of similar qualifications and experience in the San Francisco Bay Area.

**a. Rates found reasonable in other cases.**

Set forth below are rates that the courts found reasonable in the following cases:

**2010 Rates**

(1) *Credit/Debit Card Tying Cases*, San Francisco County Superior Court, JCCP No. 4335, Order Granting Plaintiffs' Motion for Attorneys' Fees, Expenses, and Incentive Awards, filed August 23, 2010, an antitrust class action, in which the court found the following 2010 hourly rates reasonable (before applying a 2.0 lodestar multiplier):

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 43                         | \$975       |
| 46                         | 950         |
| 38                         | 850         |
| 32                         | 850         |

|            |         |
|------------|---------|
| 35         | 825     |
| 26         | 740     |
| 13         | 610     |
| 9          | 600     |
| 9          | 590     |
| 9          | 535     |
| 12         | 535     |
| 5          | 485     |
| 4          | 460     |
| 3          | 435     |
| 10         | 420     |
| 7          | 420     |
| 2          | 420     |
| 1          | 395     |
| Paralegals | 220-260 |

(2) *H.B. et al v. Las Virgenes Unified School Dist.*, C.D. Cal. No. CV CAS 04-8572(SSx), Fee Order filed September 29, 2010, in which the court found the following hourly rates reasonable for fee-related work in an IDEA matter:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 36-43                      | \$650       |
| 22                         | 550         |
| 20                         | 500         |
| Paralegal                  | 170         |

(3) *Savaglio, et al. v. WalMart*, Alameda County Superior Court No. C-835687-7, Order Granting Class Counsel's Motion for Attorneys' Fees, filed September 10, 2010, a wage and hour class action, in which the court found the following hourly rates reasonable (before applying a 2.36 multiplier):

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 51                         | \$875       |
| 39                         | 750         |
| 38                         | 600         |
| 33                         | 775         |
| 25                         | 550         |
| 23                         | 650         |
| 21                         | 625         |

|    |            |         |
|----|------------|---------|
| 1  | 19         | 610     |
| 2  | 18         | 600     |
| 3  | 17         | 585     |
| 4  | 16         | 570     |
| 5  | 15         | 560     |
| 6  | 14         | 550     |
| 7  | 13         | 525     |
| 8  | 12         | 515     |
| 9  | 11         | 510     |
| 10 | 10         | 505     |
| 11 | 9          | 500     |
| 12 | 7          | 460     |
| 13 | 4          | 435     |
| 14 | Law Clerks | 125-260 |

### 2009 Rates

(1) *McCoy v. Walczak*, San Francisco Superior Court No. CGC-09-493150, Order Granting Defendant's Renewed Motion for Reasonable Attorneys' Fees and Costs Following Successful Motion to Strike Plaintiff's Complaint Pursuant to Code of Civil Procedure § 425.16, filed August 24, 2010, an anti-SLAPP case, in which the court found the following hourly rates for the Rosen firm reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 48                         | \$760       |
| 26                         | 520         |
| 5                          | 330         |

(2) *Duran v. U.S. Bank*, Alameda County Superior Court No. 2001-035537, Order Granting in Part and Denying in Part Plaintiffs' Motion for Reasonable Attorneys Fees etc., filed December 16, 2010, a wage and hour class action, in which the court found the following 2009 hourly rates reasonable, before applying a 2.25 multiplier for merits work:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 41                         | \$600       |
| 40                         | 700         |
| 17                         | 640         |
| 21 (associate)             | 575         |
| Legal Assistant            | 125         |

(3) *Santa Fe Pointe, L.P. v. Greystone Servicing Corp.* (N.D. Cal. 2009) 2009 U.S.Dist.LEXIS 100448, a business litigation matter, in which the court found the following



hourly rates reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 20                         | \$675       |
| 2                          | 350         |

(4) *Center for Biological Diversity v. California Fish & Game Commission*, San Francisco Superior Court No. CPF-08-508759, Order Granting Petitioners' Motion for Attorneys' Fees, filed December 1, 2009, an environmental enforcement action, in which the court found the following hourly rates reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 25                         | \$650       |
| 8                          | 375         |
| 4                          | 250         |
| Law Clerks                 | 150         |

(3) *A.D. v. State of California Highway Patrol*, U.S.D.C., Northern District of California No. C 07-5483 SI, Order Granting Plaintiffs' Motion for Attorneys' Fees and Costs, filed November 10, 2009, a police misconduct action, in which the court found the following hourly rates reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 33                         | \$600       |
| 30                         | 600         |

(4) *Multi-Ethnic Immigrant Workers Organizing Network v. City of Los Angeles*, U.S.D.C., Central District of California No. CV-07-3072, Order Awarding Class Counsel Fees and Costs, filed June 24, 2009, a civil rights action, in which the court found the following hourly rates reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 40                         | \$800       |
| 33                         | 750         |
| 34                         | 710         |
| 31                         | 710         |
| 15                         | 490         |
| 8                          | 425         |



(5) *Fitzgerald v. City of Los Angeles*, U.S.D.C., Central District of California No. CV-03-01876 DDP (R2x), Order Granting Motion for Attorneys' Fees, filed April 7, 2009, in which the court found the following hourly rates reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 35                         | \$740       |
| 20                         | 575         |
| 15                         | 525         |
| 7                          | 375         |

**2008 Rates**

(1) *Prison Legal News v. Schwarzenegger*, N.D. Cal. No. 4:07-cv-02058-CW, *aff'd* 608 F.3d 446 (9th Cir. 2010) (citing the undersigned's declaration), an action to enforce a prior settlement regarding prisoners' rights, in which the District Court found the following rates for the Rosen firm to be reasonable, and the Ninth Circuit affirmed:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 46                         | \$740       |
| 7                          | 370         |
| 5                          | 340         |
| Paralegal                  | 170         |

(2) *Armstrong v. Schwarzenegger*, U.S. District Court, Northern District of California, Case No. 94-2307 (N.D. Cal. June 27, 2008), in which the court awarded plaintiffs' counsel, including the Rosen firm, the following 2008 hourly rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 28                         | \$640       |
| 11                         | 450         |
| 7                          | 370         |
| 4                          | 295         |

(3) *Jones v. City of Los Angeles*, U.S.D.C., Central District of California No. CV-03-1142 R (RNBx), Order Granting Plaintiff's Motion for Attorneys' Fees and Costs, filed December 8, 2008, in which the court found the following hourly rates reasonable:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 34                         | \$725       |
| 30                         | 695         |
| 14                         | 480-490     |

|              |         |
|--------------|---------|
| 12           | 455     |
| 9            | 400     |
| 8            | 390-425 |
| 7            | 365-380 |
| Law Students | 175-200 |

(4) *Kashmiri et al v. Regents of U.C.*, San Francisco Superior Court, Order Granting Plaintiffs' Motion for Common Fund Attorneys' Fees and Expenses, filed September 30, 2008, an action challenging unlawful student fees, in which the court found the following rates reasonable (before applying a 3.7 lodestar multiplier):

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 40                         | \$750       |
| 22                         | 690         |
| 14                         | 590         |
| 7                          | 420         |
| 4                          | 345         |
| 2                          | 295         |
| Law Clerks                 | 200         |
| Paralegals                 | 195         |

(5) *Environmental Law Foundation v. Laidlaw Transit, Inc.*, San Francisco Superior Court No. CGC-06-451832, Order Granting Motion for Court Approval of Parties Joint Stipulated Judgment, filed September 22, 2008, an environmental enforcement action, in which the court found the following hourly rates reasonable in a Proposition 65 action (before applying a 1.25 multiplier):

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 29                         | \$750       |
| 26                         | 700         |
| 24                         | 700         |
| 23                         | 650         |
| 18                         | 650         |
| 16                         | 625         |
| 14                         | 600         |
| 10                         | 560         |
| 9                          | 495-575     |
| 8                          | 475         |
| 7                          | 450         |
| 6                          | 395         |
| 4                          | 325         |
| 2                          | 300         |

|   |            |         |
|---|------------|---------|
| 1 | 1          | 250     |
| 2 | Paralegals | 145-175 |
| 3 | Interns    | 125     |

(6) *Gardner v. Schwarzenegger*, Alameda County Superior Court No. RG06-278911, Order After Hearing filed April 20, 2009, *aff'd by unpublished opinion*, 2010 Cal. App. Unpub. LEXIS 1240, in which the court found the following 2008 rates reasonable (before applying a 1.75 multiplier):

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 17                         | \$640       |
| 14                         | 590         |
| 8                          | 445         |

**b. Rate Information from Surveys and Other Cases.**

(1) I have reviewed numerous declarations and depositions filed in other cases, as well as various surveys of legal rates. For example, a February 21, 2011 article in the *National Law Journal* entitled "Big bankruptcies, big legal fees," states that attorneys in the firm Weil, Gotshal & Manges have sought hourly rates of \$700 to \$1,000 for partners, and \$225 to \$840, for associates working on the Lehman Brothers bankruptcy. Partners at Milbank, Tweed, Hadley & McCloy have requested \$750 to \$1,050 per hour for their work on the Lehman Brothers case, and Milbank Tweed associates sought \$450 to \$720 per hour. The article recites similar hourly rates from bankruptcy filings by Jenner & Block, Kramer Levin Naftalis & Frankel, Akin Gump Strauss Hauer & Feld, Pepper Hamilton, Quinn Emanuel Urquhart & Sullivan, and Dewey & LeBoeuf. It is my understanding that firms claiming fees in the bankruptcy courts must attest that their requested rates are no higher than the firm ordinarily charges for comparable non-bankruptcy work. I also believe that the firms listed above that practice in California charge the same rates for comparable work in California. A true and correct copy of the article, as it appears on [www.nlj.com](http://www.nlj.com), is attached hereto as **Exhibit B**.

(2) A 2009 survey of bankruptcy rates in Delaware and the Southern District of New York show that numerous partners billed at \$1,000 per hour or above that year. *See Kolzi, Bankruptcy Rates Top \$1,000 Mark in 2008-09*, The American Lawyer, Dec. 16, 2009, attached

hereto as **Exhibit C**. Exhibit C also shows that the *median* partner rates for several national firms, many of which practice in California, ranged from \$690 to \$980 per hour in 2009. It is my understanding that firms claiming fees in the bankruptcy courts must attest that their requested rates are no higher than the firm ordinarily charges for comparable non-bankruptcy work. I also believe that the firms listed above that practice in California charge the same rates for comparable work in California.

(3) Similarly, the Westlaw CourtExpress Legal Billing Reports for May, August, and December 2009 (attached hereto as **Exhibit D**) shows that attorneys with as little as 19 years' experience charged \$800 per hour or more in 2009. The 2010 rates requested here are well within the range of the 2009 rates reported in Exhibit D. The National Law Journal's December 2010, nationwide sampling of law firm billing rates also lists 32 firms whose highest rate is \$800 per hour or more, 11 firms whose highest rate is \$900 per hour or more, and 3 firms whose highest rate is \$1,000 per hour or more.

(4) I also have obtained information regarding the standard hourly rates for litigation undertaken on a non-contingent basis by numerous California law firms and national law firms with significant California offices. That information includes hourly rates charged by the following law firms, listed in alphabetical order:

Adams Broadwell Joseph Cardoza

2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 29                      | \$700       |
| 20                      | 650         |
| 15                      | 550         |
| 11                      | 495         |
| 6                       | 375         |
| 3                       | 300         |
| Paralegals              | 145         |

Altshuler Berzon LLP

## 2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 32                      | \$775       |
| 15                      | 625         |
| 8                       | 475         |
| Law Clerks              | 200         |
| Paralegals              | 195         |

## 2007 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 23                      | \$700       |
| 15                      | 550         |
| 5                       | 325         |
| Paralegals              | 155-190     |

Bingham McCutchen

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 13                      | \$655       |
| 4                       | 480         |
| 2                       | 400         |

## 2008 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 11                      | \$585       |
| 19                      | 580         |
| 42                      | 640         |
| 7                       | 485         |
| 3                       | 420         |
| 3                       | 380         |
| 2                       | 345         |
| 3                       | 345         |
| 2                       | 325         |
| Paralegal               | 230         |
| Litigation Specialist   | 125-210     |
| Research Specialist     | 140         |

Cooley Godward Kronish LLP

## 2008 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$525-980   |
| Associates              | 285-570     |

## 2007 Rates:

| <u>Years Experience</u> | <u>Rate</u>               |
|-------------------------|---------------------------|
| Partners                | \$470-875 (average \$673) |
| Associates              | 250-555 (average \$403)   |

Cooper & Kirkham

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 46                      | \$950       |
| 35                      | 825         |
| 9                       | 600         |

Coughlin Stoia Geller Rudman & Robbins, LLP

## 2007 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 42                      | \$700       |
| 19                      | 600         |
| 14                      | 650         |
| 14                      | 600         |
| 13                      | 585         |
| 11                      | 510         |
| 6                       | 460         |
| 5                       | 285         |

Duane Morris LLP

## 2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$325-795   |
| Associates              | 225-450     |

Epstein Becker & Green LLP

2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$350-855   |
| Associates              | 180-475     |

Everett De Lano

2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 18                      | \$650       |

Fenwick & West

2007 Rates:

| <u>Years Experience</u> | <u>Rate</u>               |
|-------------------------|---------------------------|
| Partners                | \$500-775 (average \$590) |
| Associates              | 245-500 (average \$370)   |

Richard Frank

2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 36                      | \$700       |

Furth Firm LLP

2010 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| 51                         | \$875       |
| 39                         | 750         |
| 38                         | 600         |
| 33                         | 775         |
| 25                         | 550         |
| 23                         | 650         |
| 21                         | 625         |
| 19                         | 610         |
| 18                         | 600         |
| 17                         | 585         |
| 16                         | 570         |
| 15                         | 560         |



|            |         |
|------------|---------|
| 14         | 550     |
| 13         | 525     |
| 12         | 515     |
| 11         | 510     |
| 10         | 505     |
| 9          | 500     |
| 7          | 460     |
| 4          | 435     |
| Law Clerks | 125-260 |

Gibson, Dunn & Crutcher LLP

2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 26                      | \$905       |
| 32                      | 840         |
| 21                      | 785         |
| Associates              |             |
| 5                       | 525         |
| 4                       | 495         |
| 3                       | 470         |
| 2                       | 400         |
| 1                       | 345         |
| Paralegals              | 165-300     |

Goldstein, Demchak, Baller, Borgen & Dardarian

2011 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 18                      | 600         |
| 17                      | 600         |
| 16                      | 550         |

2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 40                      | \$700       |
| 34                      | 700         |
| 29                      | 675         |
| 23                      | 625         |
| 17                      | 575         |
| 16                      | 575         |
| Of Counsel              |             |

|            |         |
|------------|---------|
| 40         | 725     |
| Associates |         |
| 15         | \$500   |
| 11         | 440     |
| 6          | 375     |
| 5          | 365     |
| 4          | 355     |
| 3          | 340     |
| 2          | 325     |
| 1          | 305     |
| Law Clerks | 195     |
| Paralegals | 150-225 |

## 2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 33                      | \$700       |
| 27                      | 650         |
| 22                      | 600         |
| 16                      | 550         |
| 14                      | 500         |
| Associates              |             |
| 39                      | \$675-700   |
| 14                      | 495         |
| 9                       | 425         |
| 8                       | 425         |
| 7                       | 375         |
| 6                       | 375         |
| 5                       | 350         |
| 4                       | 340         |
| 2                       | 325         |
| Law Clerks              | 195         |
| Paralegals              | 150-225     |

## 2008 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 38                      | \$650       |
| 32                      | 650         |
| 27                      | 625         |
| 21                      | 575         |
| 15                      | 500         |
| 14                      | 500         |
| Associates              |             |
| 13                      | 465         |
| 6                       | 430         |
| 8                       | 420         |
| 7                       | 395         |

|            |         |
|------------|---------|
| 2          | 305     |
| Law Clerks | 195     |
| Paralegals | 135-195 |

## 2007 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 37                      | \$600       |
| 31                      | 600         |
| 26                      | 575         |
| 20                      | 535         |
| 14                      | 460         |
| 13                      | 460         |
| Associates              |             |
| 12                      | 425         |
| 10                      | 380         |
| 11                      | 365         |
| 9                       | 350         |
| 8                       | 335         |
| 7                       | 325         |
| 6                       | 340         |
| Law Clerks              | 285-300     |

Greines, Martin, Stein & Richland

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 39                      | \$850       |
| 17                      | 650         |
| 15                      | 500         |
| 8                       | 450         |
| 6                       | 450         |
| Law Clerks              | 100         |

Hadsell, Stormer, Keeny, Richardson & Renick

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 36                      | \$800       |
| 31                      | 750         |
| 20-21                   | 600         |
| 15                      | 575         |
| 10                      | 475-500     |

|   |     |
|---|-----|
| 8 | 425 |
| 4 | 325 |
| 2 | 275 |
| 1 | 250 |

Howard, Rice, Nemerovski, Canady, Falk & Rabkin

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 45                      | \$840       |

## 2008 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$515-795   |
| Associates              | 275-510     |

## 2007 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$495-775   |
| Associates              | 275-485     |

Klee, Tuchin, Bogdanoff & Stern LLP

## 2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 35                      | \$925       |
| 25                      | 850         |
| 18                      | 675         |
| 14                      | 650         |
| 11                      | 575         |
| Of Counsel              |             |
| 11                      | 575         |
| Associates              |             |
| 7                       | 495         |
| 5                       | 430         |
| 2                       | 300         |
| Paralegals              | 215         |

Knobbe Martin Olson & Bear LLP

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$395-710   |
| Associates              | 285-450     |

Litt, Estuar, Harrison & Kitson, LLP

## 2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 39                      | \$800       |
| 16                      | 550         |
| 3                       | 320         |
| 2                       | 285         |
| Paralegals              | 125-235     |
| Law Clerks              | 225         |

Loeb & Loeb

## 2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$475-950   |
| Associates              | 285-450     |

## 2008 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$450-925   |
| Associates              | 260-500     |

## 2007 Rates:

| <u>Years Experience</u> | <u>Rate</u>               |
|-------------------------|---------------------------|
| Partners                | \$475-875 (average \$606) |
| Associates              | 240-500 (average \$384)   |

Lozeau/Drury LLP

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 10                      | \$650       |

3

350

Manatt, Phelps & Philips

## 2010 Rates:

Years ExperienceRate

Partners

\$525-850

Associates

200-525

## 2009 Rates:

Years ExperienceRate

Partners

\$495-850

Associates

250-505

## 2008 Rates:

Years ExperienceRate

Partners

\$495-850

Associates

290-505

## 2007 Rates:

Years ExperienceRate

Partners

\$520-785 (average \$600)

Associates

265-480 (average \$395)

Morrison Foerster

## 2009 Rates:

Years ExperienceRate

24

\$750

## 2008 Rates:

Years ExperienceRate

45

\$675

36

725

33

785

14

650

12

600

9

560

7

535

5

485

1

520

Paralegals 185-230

2007 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 44                      | \$675       |
| 11                      | 550         |
| 8                       | 520         |
| 6                       | 475         |
| 3                       | 250         |

O'Melveny & Myers

2009 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| 36-37                   | \$860-950   |
| 21                      | 820         |
| 16-18                   | 700-710     |
| 14                      | 595-675     |
| 10                      | 590         |
| 8                       | 565         |
| 7                       | 540-565     |
| 5-6                     | 480-520     |
| 2-4                     | 395-450     |
| Paralegals              | 225-310     |

Patton Boggs

2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 14                      | \$830       |
| 29                      | 750         |
| 20                      | 750         |
| 33                      | 700         |
| 27                      | 700         |
| 13                      | 575         |
| 24                      | 550         |
| 14                      | 530         |
| Of Counsel              |             |
| 30                      | 600         |
| 15                      | 500         |
| Associates              |             |
| 5                       | 475         |
| 9                       | 450         |



|                   |         |
|-------------------|---------|
| 7                 | 425     |
| 3                 | 340     |
| 2                 | 315     |
| Senior Paralegals | 200-265 |
| Paralegals        | 170     |

Reed Smith

2008 Rates:

|                         |                           |
|-------------------------|---------------------------|
| <u>Years Experience</u> | <u>Rate</u>               |
| Partners                | \$375-900 (average \$626) |
| Associates              | 235-580 (average \$423)   |

2007 Rates:

|                         |                           |
|-------------------------|---------------------------|
| <u>Years Experience</u> | <u>Rate</u>               |
| Partners                | \$350-825 (average \$558) |
| Associates              | 200-510 (average \$374)   |

Rudy, Exelrod & Zieff

2009 Rates:

|                            |             |
|----------------------------|-------------|
| <u>Years of Experience</u> | <u>Rate</u> |
| Partners                   |             |
| 31                         | \$700       |
| Associates                 |             |
| 3                          | 305         |

2007 Rates:

|                            |             |
|----------------------------|-------------|
| <u>Years of Experience</u> | <u>Rate</u> |
| Partners                   |             |
| 29                         | \$700       |
| 12                         | 500         |
| Associates                 |             |
| 10                         | 400         |
| 8                          | 330         |
| Law Clerk                  | 200         |
| Paralegal                  | 150         |

Schonbrun, DeSimone, Seplow, Harris & Hoffman

2009 Rates:

|                         |             |
|-------------------------|-------------|
| <u>Years Experience</u> | <u>Rate</u> |
| 33                      | \$750       |
| 25                      | 625         |

|            |     |
|------------|-----|
| 24         | 625 |
| 8          | 375 |
| 6          | 370 |
| Paralegals | 125 |

Sheppard, Mullin, Richter & Hampton

2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                | \$495-820   |
| Associates              | 270-620     |

2009 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| Partners                   | \$495-715   |
| Associates                 | 285-525     |

2008 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| Partners                   | \$475-795   |
| Associates                 | 275-455     |

2007 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| Partners                   | \$425-795   |
| Associates                 | 260-550     |

Townsend and Townsend and Crew

2010 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| Partners                   | \$470-750   |
| Associates                 | 260-460     |

2009 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| Partners                   | \$480-750   |
| Associates                 | 260-460     |

Wilson Sonsini Goodrich & Rosati PC

## 2010 Rates:

| <u>Years of Experience</u>          | <u>Rate</u> |
|-------------------------------------|-------------|
| Partners                            | \$650-975   |
| Associates                          | 290-610     |
| Paralegals/Litigation Support Staff | 120-300     |

Winston & Strawn

## 2009 Rates:

| <u>Years of Experience</u> | <u>Rate</u> |
|----------------------------|-------------|
| Partners                   | \$400-995   |
| Associates                 | 210-670     |

Zelle Hofmann Voelbel & Mason, LLP

## 2010 Rates:

| <u>Years Experience</u> | <u>Rate</u> |
|-------------------------|-------------|
| Partners                |             |
| 38                      | \$800       |
| 26                      | 685         |
| 23                      | 650         |
| 22                      | 640         |
| Associates              |             |
| 9                       | 500         |
| 4                       | 435         |
| 3                       | 415         |
| 2                       | 405         |
| 1                       | 395         |
| Paralegals              | 210-290     |

10. The hourly rates set forth above are those charged where full payment is expected promptly upon the rendition of the billing and without consideration of factors other than hours and rates. If any substantial part of the payment were to be deferred for any substantial period of time, for example, or if payment were to be contingent upon outcome or any other factor, the fee arrangement would be adjusted accordingly to compensate the attorneys for those factors.

11. In my experience, fee awards are almost always determined based on current rates, *i.e.*, the attorney's rate at the time a motion for fees is made, rather than the historical rate at the

1 time the work was performed. This is a common and accepted practice to compensate attorneys  
2 for the delay in being paid.

3 12. Based on my experience, law firms in the San Francisco Bay Area, like those  
4 throughout the state and nation, increase attorneys' billing rates (and the rates of other  
5 timekeepers) based on two factors. First, for example, when a second year associate becomes a  
6 third year, that person's rate increases from the second-year rate to the third-year rate. Second,  
7 usually annually, rates in general in the firms are increased for each of the classes taking  
8 account principally of factors such as inflation and what the relevant market is doing.

9 13. The expense and risk of public interest litigation has not diminished over the  
10 years; to the contrary, these cases are in many ways more difficult than ever. As a result, fewer  
11 and fewer attorneys and firms are willing to take on such litigation, and the few who are  
12 willing to do so can only continue if their fee awards reflect true market value.

13 If called as a witness, I could and would competently testify from my personal knowledge  
14 to the facts stated herein. I declared under penalty of perjury under the laws of the United States  
15 that the foregoing is true and correct.

16 Dated: March 3, 2011

17  
18   
19 RICHARD M. PEARL  
20  
21  
22  
23  
24  
25  
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# **EXHIBIT A**

## **RESUME OF RICHARD M. PEARL**

### **RICHARD M. PEARL**

#### **LAW OFFICES OF RICHARD M. PEARL**

1816 Fifth Street  
Berkeley, CA 94710  
(510) 649-0810  
(510) 548-5074 (facsimile)  
rpearl@interx.net (e-mail)

### **EDUCATION**

University of California, Berkeley, B.A., Economics (June 1966)  
Boalt Hall School of Law, Berkeley, J.D. (June 1969)

### **BAR MEMBERSHIP**

Member, State Bar of California (admitted January 1970)  
Member, State Bar of Georgia (admitted June 1970) (inactive)  
Admitted to practice before all California State Courts; the United States Supreme Court; the United States Court of Appeals for the District of Columbia and Ninth Circuits; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, for the District of Arizona, and for the Northern District of Georgia; and the Georgia Civil and Superior Courts and Court of Appeals.

### **EMPLOYMENT**

LAW OFFICES OF RICHARD M. PEARL (April 1987 to Present): Civil litigation practice ("AV" rating), with emphasis on court-awarded attorney's fees, class actions, and appellate practice.

QUALIFIED APPELLATE MEDIATOR, APPELLATE MEDIATION PROGRAM, Court of Appeal, First Appellate District (October 2000 to Present).

ADJUNCT PROFESSOR, HASTINGS COLLEGE OF THE LAW (January 1988 to Present): Teach "Public Interest Law Practice," a 2-unit course that focuses on the history, strategies, and issues involved in the practice of public interest law.

PEARL, McNEILL & GILLESPIE, Partner (May 1982 to March 1987): General civil litigation practice, as described above.

**RICHARD M. PEARL**

Page 2

CALIFORNIA RURAL LEGAL ASSISTANCE, INC. (July 1971 to September 1983) (part-time May 1982 to September 1983):

Director of Litigation (July 1977 to July 1982)

Responsibilities: Oversaw and supervised litigation of more than 50 attorneys in CRLA's 15 field offices; administered and supervised staff of 4-6 Regional Counsel; promulgated litigation policies and procedures for program; participated in complex civil litigation.

Regional Counsel (July 1982 to September 1983 part-time) Responsibilities: Served as co-counsel to CRLA field attorneys on complex projects; provided technical assistance and training to CRLA field offices; oversaw CRLA attorney's fee cases; served as counsel on major litigation.

Directing Attorney, Cooperative Legal Services Center (February 1974 to July 1977) (Staff Attorney February 1974 to October 1975)

Responsibilities: Served as co-counsel on major litigation with legal services attorneys in small legal services offices throughout California; supervised and administered staff of four senior legal services attorneys and support staff.

Directing Attorney, CRLA McFarland Office (July 1971 to February 1974) (Staff Attorney July 1971 to February 1972)

Responsibilities: Provided legal representation to low income persons and groups in Kern, King, and Tulare Counties; supervised all litigation and administered staff of ten.

HASTINGS COLLEGE OF THE LAW, Instructor, Legal Writing and Research Program (August 1974 to June 1978)

Responsibilities: Instructed 20 to 25 first year students in legal writing and research.

CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD, Staff Attorney, General Counsel's Office (November 1975 to January 1976, while on leave from CRLA)

Responsibilities: Prosecuted unfair labor practice charges before Administrative Law Judges and the A.L.R.B. and represented the A.L.R.B. in state court proceedings.

ATLANTA LEGAL AID SOCIETY, Staff Attorney (October 1969 to June 1971)

Responsibilities: Represented low income persons and groups as part of 36-lawyer legal services program located in Atlanta, Georgia.



**RICHARD M. PEARL**

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## **PUBLICATIONS**

Pearl, *California Attorney Fee Awards, Third Edition* (Cal. Cont. Ed. Bar 2010)

Pearl, *California Attorney Fee Awards, Second Edition* (Cal. Cont. Ed. Bar 1994), and 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements

*Graham v. DaimlerChrysler Corp. and Tipton-Whittingham v. City of Los Angeles*, Civil Litigation Reporter (Cal. Cont. Ed. Bar Feb. 2005)

*Current Issues in Attorneys' Fee Litigation*, California Labor and Employment Law Quarterly (September 2002 and November 2002)

*Flannery v. Prentice: Shifting Attitudes Toward Fee Agreements and Fee-Shifting Statutes*, Civil Litigation Reporter (Cal. Cont. Ed. Bar Nov. 2001)

*A Practical Introduction to Attorney's Fees*, Environmental Law News (Summer 1995)

Wrongful Employment Termination Practice, Second Edition (Cal. Cont. Ed. Bar 1997) (co-authored chapter on "Attorney Fees")

California Attorney's Fees Award Practice (Cal. Cont. Ed. Bar 1982) (edited), and 1984 through 1993 Supplements

Program materials on attorney fees, prepared as panelist for CEB program on "Attorneys' Fees: Practical and Ethical Considerations in Determining, Billing, and Collecting" (October 1992)

Program materials on "Attorney's Fees in Administrative Proceedings" California Continuing Education of the Bar, prepared as panelist for CEB program on "Effective Representation Before California Administrative Agencies" (October 1986)

Program materials on "Attorney's Fees in Administrative Proceedings" California Continuing Education of the Bar, prepared as panelist for CEB program on "Attorneys' Fees: Practical and Ethical Considerations" (March 1984)

*Settlers Beware/The Dangers of Negotiating Statutory Fee Cases*, (September 1985) Los Angeles Lawyer

Program Materials on "Remedies Training" (Class Actions), Sponsored by Legal Services Section, California State Bar, San Francisco (May 1983)

Attorneys' Fees: A Legal Services Practice Manual (Legal Services Corporation 1981)

**RICHARD M. PEARL**

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**PUBLIC SERVICE**

Member, Attorneys' Fee Task Force, California State Bar

Vice President, Board of Directors, California Rural Legal Assistance Foundation

**REPRESENTATIVE REPORTED CASES**

*Boren v. California Department of Employment*  
(1976) 59 Cal.App.3d 250

*Cabrera v. Martin*  
(9th Cir. 1992) 973 F.2d 735

*Camacho v. Bridgeport Financial, Inc.*  
(9<sup>th</sup> Cir. 2008) 523 F.3d 973

*Campos v. E.D.D.*  
(1982) 132 Cal.App.3d 961

*Center for Biological Diversity v. County of San Bernardino*  
(2010) \_\_ Cal.App.4th \_\_

*Committee to Defend Reproductive Rights v. A Free Pregnancy Center*  
(1991) 229 Cal.App.3d 633

*David C. v. Leavitt*  
(D. Utah 1995) 900 F.Supp. 1547

*Delaney v. Baker*  
(1999) 10 Cal.4th 23

*Employment Development Dept. v. Superior Court (Boren)*  
(1981) 30 Cal.3d 256

*Environmental Protection Information Center, Inc. v. Pacific Lumber Co.*  
(N.D. Cal. 2002) 229 F. Supp.2d 993, *aff'd* (9<sup>th</sup> Cir. 2004) 103 Fed. Appx. 627

*Flannery v Prentice*  
(2001) 26 Cal. 4th 572

**RICHARD M. PEARL**

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**Representative Reported Cases (cont.)**

*Graham v. DaimlerChrysler Corp.*  
(2004) 34 Cal. 4<sup>th</sup> 553

*Horsford v. Board of Trustees of Univ. of Calif.*  
(2005) 132 Cal.App.4<sup>th</sup> 359

*Ketchum v. Moses*  
(2001) 24 Cal.4<sup>th</sup> 1122

*Kievlan v. Dahlberg Electronics*  
(1978) 78 Cal.App.3d 951, cert. denied (1979)  
440 U.S. 951

*Lealao v. Beneficial California, Inc.*  
(2000) 82 Cal.App.4<sup>th</sup> 19

*Lewis v. California Unemployment Insurance Appeals Board*  
(1976) 56 Cal.App.3d 729

*Local 3-98 etc. v. Donovan*  
(N.D. Cal. 1984) 580 F.Supp. 714,  
aff'd (9th Cir. 1986) 792 F.2d 762

*Mangold v. California Public Utilities Commission*  
(9th Cir. 1995) 67 F.3d 1470

*Maria P. v. Riles*  
(1987) 43 Cal.3d 1281

*Martinez v. Dunlop*  
(N.D. Cal. 1976) 411 F.Supp. 5  
aff'd (9th Cir. 1977) 573 F.2d 555

*McSomebodies v. Burlingame Elementary School Dist.*  
(9th Cir. 1990) 897 F.2d 974

*McSomebodies v. San Mateo City School Dist.*  
(9th Cir. 1990) 897 F.2d 975

*Moore v. Bank of America*  
(9<sup>th</sup> Cir. 2007) 2007 U.S. App. LEXIS 19597

**RICHARD M. PEARL**

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**Representative Reported Cases (cont.)**

*Moore v. Bank of America*

(S.D. Cal. 2008) 2008 U.S. Dist. LEXIS 904

*Mora v. Chem-Tronics, Inc.*

(S.D. Cal. 1999) 1999 U.S. Dist. LEXIS 10752,  
5 Wage & Hour Cas. 2d (BNA) 1122

*Pena v. Superior Court of Kern County*

(1975) 50 Cal.App.3d 694

*Ponce v. Tulare County Housing Authority*

(E.D. Cal 1975) 389 F.Supp. 635

*Ramirez v. Runyon*

(N.D. Cal. 1999) 1999 U.S. Dist. LEXIS 20544

*Rubio v. Superior Court*

(1979) 24 Cal.3d 93 (amicus)

*Sokolow v. County of San Mateo*

(1989) 213 Cal. App. 3d. 231

*S.P. Growers v. Rodriguez*

(1976) 17 Cal.3d 719 (amicus)

*Tongol v. Usery*

(9th Cir. 1979) 601 F.2d 1091,  
*on remand* (N.D. Cal. 1983) 575 F.Supp. 409,  
*revs 'd* (9th Cir. 1985) 762 F.2d 727

*Tripp v. Swoap*

(1976) 17 Cal.3d 671 (amicus)

*United States (Davis) v. City and County of San Francisco*

(N.D. Cal. 1990) 748 F.Supp. 1416, *aff'd in part*  
*and revs 'd in part sub nom Davis v. City and County*  
*of San Francisco* (9<sup>th</sup> Cir. 1992) 976 F.2d 1536,  
*modified on rehearing* (9<sup>th</sup> Cir. 1993) 984 F.2d 345

*United States v. City of San Diego*

(S.D.Cal. 1998) 18 F.Supp.2d 1090

**RICHARD M. PEARL**

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**Representative Reported Cases (cont.)**

*Vasquez v. State of California*

(2008) 45 Cal.4th 243 (amicus)

*Velez v. Wynne*

(9<sup>th</sup> Cir. 2007) 2007 U.S. App. LEXIS 2194

**REFERENCES**

Furnished upon request.

**June 2010**

# **EXHIBIT B**

# THE NATIONAL LAW JOURNAL

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## Big bankruptcies, big legal fees

Sheri Qualters

February 21, 2011

It's been a good time to be a bankruptcy lawyer. Though it's been almost three years since the economy began its meltdown, several massive bankruptcies are continuing to generate big fees for attorneys.

Take, for instance, the Lehman Brothers Holdings Inc. bankruptcy, which — as widely reported by major news outlets — crossed the \$1 billion fee threshold several months ago. Lawyers are earning more in the Lehman bankruptcy because the largest-ever Chapter 11 case involves restructuring \$639 billion in assets and \$613 billion in debt.

But Lehman isn't the only fee machine. A quartet of other top pending corporate bankruptcies, based on assets at the time of filing, are also generating big attorney paydays. Those other megabankruptcies — all resulting from the 2008 economic collapse — involve Motors Liquidation Co., General Motors Co.'s bankruptcy vehicle, Thornburg Mortgage Inc., Washington Mutual Inc., and Capmark Financial Group. Here's an update on those cases.

### LEHMAN BROTHERS HOLDINGS INC.

The fees in the Lehman case can be traced to its massive liabilities, plus complex legal work related to derivatives, the company's business structure and even insolvency cases in other countries, said Harvey Miller, a business finance and restructuring partner at New York's Weil, Gotshal & Manges. Weil Gotshal is the lead debtor's counsel in the case, which was filed on Sept. 15, 2008. "These are very large, very complex cases," Miller said. "They require and absorb a huge amount of time."

The bankruptcy has also been heavily litigated, Miller said. Lehman brought a fraud case against Barclays, which bought Lehman's North American operations for \$2 billion a few days after the bankruptcy filing. Lehman claimed Barclays misinformed the bankruptcy judge who signed off on the deal about late deal changes that funneled more money to Barclays.

Lehman and JPMorgan Chase & Co. also have countersuits about events that took place just before and after Lehman's collapse. Lehman accuses JPMorgan of improperly collecting \$8.6 billion of collateral from it days before the collapse.

JPMorgan, in turn, claims that Lehman and Barclays conspired to ensure that JPMorgan would be stuck with \$25 billion in bad Lehman debt after the Barclays sale. JPMorgan lent Lehman's brokerage business money just after the bankruptcy so it could repay its overnight financing.

The case is inching toward conclusion. Lehman and affiliated debtors filed their first joint plan to emerge from bankruptcy last March. The creditors formally objected over the summer and the debtors finally filed an amended plan last month.

Miller also pointed out that turnaround firm Alvarez & Marsal, which is running Lehman's liquidation and serving as interim management, has collected even more fees for its services than his firm. The Alvarez company's fees and expenses added up to \$393.4 million by the end of December compared with \$254.6 million for Weil Gotshal, according to a monthly operating report filed in the case.



Weil's fees break down to \$700 to \$1,000 hourly rates for partners and counsel on the case and \$225 to \$840 per hour for associates, according to another recent court filing

#### **WEIL GOTSHAL FEE REQUESTS IN LEHMAN CASE**

Partners and Of Counsel | Associates | Non Legal Staff

| <b>Partners and Of Counsel</b> | <b>Department</b> | <b>Year Admitted</b> | <b>Hourly Rate</b> | <b>Total Hours Billed</b> | <b>Total Compensation</b> |
|--------------------------------|-------------------|----------------------|--------------------|---------------------------|---------------------------|
| Harvey R Miller                | BFR               | 1959                 | \$990 00           | 437 4                     | \$429,066 00              |
| E N Veasey                     | CORP              | 1958                 | \$990 00           | 16 5                      | \$16,335 00               |
| Peter Gruenberger              | LIT               | 1961                 | \$990 00           | 806 9                     | \$798,831 00              |
| Richard J Davis                | LIT               | 1970                 | \$950 00           | 8 8                       | \$8,360 00                |
| Ralph I Miller                 | LIT               | 1972                 | \$950 00           | 486 7                     | \$434,625 00              |
| Richard P Krasnow              | BFR               | 1972                 | \$990 00           | 513 9                     | \$499,108 50              |
| Gregory D Hull                 | LIT               | 1973                 | \$700 00           | 57 3                      | \$40,110 00               |
| Howard B Comet                 | LIT               | 1976                 | \$865 00           | 21 6                      | \$18,684 00               |
| T R Guy                        | LIT               | 1976                 | \$885 00           | 9 4                       | \$8,319 00                |
| Edward Soto                    | LIT               | 1978                 | \$950 00           | 615 3                     | \$584,535 00              |



BFR - Business Finance & Restructuring, CORP - Corporate, LIT - Litigation, MC - Managing Clerk, LSS - Litigation Support Services

Source *Sixth Interim Fee Application of Weil, Gotchal & Manges, attorneys for debtors and debtors-in-possession in In re Lehman Brothers Holdings Inc , submitted Dec 14, 2010 -- covering June 1 to Sept 30, 2010*

Some two dozen law firms regularly involved in the case have also collected millions or tens of millions of dollars for their trouble. Other top-billing firms include unsecured creditors committee lead counsel Milbank, Tweed, Hadley & McCloy of New York, which has collected \$89.9 million in fees and expenses through December, according to the report, and examiner's counsel Jenner & Block of Chicago, which has picked up \$57.9 million. Milbank's fee requests range from \$750 to \$1,050 per hour for partners and counsel, and \$450 to \$720 per hour for associates, with some discounted rates for hours spent on travel. Jenner's latest fee request lists partners as billing \$575 to \$975 and associates at \$445 to \$510 per hour, but the firm's bill cuts the total fees by 10%. The lead lawyers on the case at Milbank Tweed and Jenner & Block did not respond to requests for comment.

#### **MILBANK TWEED FEE REQUESTS IN LEHMAN CASE**

| Name               | Position, Experience   | Hourly Rate | Total Hours | Total Compensation |
|--------------------|--|-------------|-------------|--------------------|
| Paul Aronzon       | Financial Restructuring Partner for 20 years, admitted in 1979 | \$1,050 00  | 36 8        | \$38,640 00        |
| Dennis Dunne       | Financial Restructuring Partner for 12 years, admitted in 1991 | \$1,050 00  | 303         | \$318,150 00       |
| Linda Dakin-Grimm  | Litigation Partner for 9 years, admitted in 1985               | \$1,025 00  | 3           | \$3,075 00         |
| Trayton Davis      | Alternative Investments Partner for 21 years, admitted in 1981 | \$1,025 00  | 22 2        | \$22,755 00        |
| Jay Grushkin       | Alternative Investments Partner for 21 years, admitted in 1982 | \$1,025 00  | 5 9         | \$6,047 50         |
| Michael Hirschfeld | Litigation Partner for 28 years, admitted in 1974              | \$1,025 00  | 26          | \$26,650 00        |
| Rainer Magold      | Leveraged Finance Partner for 5 years, admitted in 1986        | \$1,025 00  | 2 8         | \$2,870 00         |
| Marcelo Mottes     | Global Securities Partner for 11 years, admitted in 1995       | \$1,025 00  | 104 8       | \$107,420 00       |
| Andrew Tomback     | Litigation Partner for 13 years, admitted in 1987              | \$1,025 00  | 422 2       | \$432,755 00       |
| Elizabeth D. ...   | Global Securities Partner for ...                              |             |             |                    |

\* designates non-working travel time billed at 50% of normal rates

Source Sixth Interim Fee Application of Milbank, Tweed, Hadley & McCloy, counsel to the official committee of unsecured creditors in In re Lehman Brothers Holdings Inc., submitted Dec 14, 2010 -- covering June 1 to Sept 30, 2010

Lehman operated multiple types of businesses, from real estate to derivatives contracts to investment management, which generated different types of liabilities, said Manny Grillo, a New York partner who chairs the financial restructuring practice at Boston-based Goodwin Procter. Goodwin represents a variety of creditors in the Lehman case. "The fees are going to be astronomical," Grillo said. "This thing is like a jellyfish with tentacles everywhere [There are] people working credit derivative portfolios and real estate portfolios."

Goodwin, whose work on the case isn't enough to warrant a separate line item on the monthly report, is one of many firms toiling quietly behind the scenes. "You can't not be involved in Lehman," Grillo said. "It's the one case where there are probably not necessarily enough lawyers to go around."

## GENERAL MOTORS

Four General Motors Corp. entities filed for bankruptcy on June 1, 2009, with \$82.3 billion in assets and more than twice the amount of debt — \$172.8 billion. By July 10, the so-called New GM bought the operations, assets and trademarks of the original company to continue making cars.

Stephen Karotkin, a business finance and restructuring partner at Weil Gotshal, which is lead debtor counsel in this case as well, pointed out that "the business enterprise came out of Chapter 11 in [about] 30 days."

"Anyone can see the value that was preserved and the jobs that were preserved [by that]," Karotkin said.

The bankruptcy case, now Motors Liquidation Co., continued disposing of claims against the former corporation. A couple of other GM entities that filed in October 2009 were attached to the main case.

Motors Liquidation's plan, which is slated for a confirmation hearing on March 3, includes a mechanism to deal with environmental problems at industrial manufacturing sites not sold to the New GM, Karotkin said. "In an unprecedented fashion under the plan, a trust is going to be created and funded where those sites will be remediated," he said.

The creditors committee's settlement of asbestos claims "at less than the book value estimate," through litigation and negotiation, is a major achievement in the case, said Thomas Moers Mayer, a partner at Kramer Levin Naftalis & Frankel of New York, which is counsel for the unsecured creditors committee. Mayer also co-chairs Kramer Levin's corporate restructuring and bankruptcy department.

To date, not including a 10% holdback of fees, Weil has collected nearly \$32 million and Kramer \$5.6 million. Weil's hourly fee requests range from \$700 to \$990 for partners and counsel to \$275 to \$695 for associates. Kramer's hourly fees for partner and special counsel on the case range from \$690 to \$950 and associate fees range from \$505 to \$690 per hour.

## **WASHINGTON MUTUAL**

Savings bank holding company Washington Mutual Inc. filed one of the historically largest bankruptcies on Sept. 26, 2008, even after the receiver, the Federal Deposit Insurance Corp., sold WaMu's banking subsidiaries to JPMorgan for \$1.9 billion. A day after the sale, the company sought court restructuring for \$32.9 billion of assets and \$8.2 billion in debt.

Most of the remaining assets were the company's good will, not tangible assets, so the case battles centered on finding money to give out to creditors, said Brian Rosen, a business finance and restructuring partner at Weil, which is debtor's counsel in this case, too.

Rosen's team estimates that it has collected about \$7.5 billion of assets for the estate through "negotiation, litigation and negotiation again," he said.

That figure appears in a global settlement agreement among the debtors, JPMorgan entities, the Federal Deposit Insurance Corp. and the creditors' committee. The court is considering the settlement as part of the current bankruptcy confirmation plan.

"This case is so full of many issues with equity committee and examiner that the distribution to creditors has been delayed to allow everyone to have a voice and to do their investigation as to the compromise and settlement," Rosen said.

While the case marches on, Weil partners bill from \$700 to \$990 per hour, while associates bill at \$395 to \$695 per hour, according to the firm's latest fee request. The fee filing, which is for October 2010 and Weil's 23d to date, also notes that four contract attorneys are working on the case and billing \$225 or \$250 per hour. So far, Weil has collected nearly \$34 million for work on the case through December, according to a monthly operating report filed in the bankruptcy.

Lawyers for the unsecured creditors committee at Akin Gump Strauss Hauer & Feld and Pepper Hamilton were similarly compensated, documents show. At Akin Gump, partners and counsel collected \$525 to \$975 per hour, while associates reaped \$350 to \$525 per hour. Akin has pocketed \$16.1 million through December, according to the report. Pepper Hamilton associates collected \$275 to \$395 per hour, while partners took in \$670 to \$690. So far, the firm's total fee awards are \$2.4 million, according to the report. Akin Gump and Pepper Hamilton declined to comment.

## **THORNBURG MORTGAGE**

Real estate company Thornburg Mortgage Inc.'s Mayday calls to creditors temporarily staved off liquidation proceedings, but Thornburg and several affiliates succumbed with a May 1, 2009, bankruptcy filing.

A few months later, Baltimore's Shapiro Sher Guinot & Sandler came on board as trustee to manage the \$24.4 billion in assets and \$24.7 billion in debt.

Shapiro Sher partners on the case are charging \$375 to \$500 per hour, and associates are asking \$250 to \$350 per hour for unwinding the tangled real estate investment trust and mortgage company. So far, they've collected about \$2.6 million.

Meanwhile, the creditors committee's lawyers — partners and of counsel to Los Angeles-based Quinn Emanuel Urquhart & Sullivan — are racking up hourly rates of \$700 to \$850, while an associate is making \$535. So far,

they've collected about \$2.1 million. Lawyers at the firm declined to comment.

In an e-mailed response to questions, Shapiro Sher partner Joel Sher, who is also the Thornburg case trustee, said selling assets and litigating have been the trustees' major duties. Selling Thornburg's mortgage servicing rights in February 2010 to Select Portfolio Servicing Inc. yielded about \$95.6 million for the bankruptcy estate, for example.

There's also a pending lawsuit against former directors and officers, which was removed to federal court in Maryland. And there has been litigation against counterparties such as Credit Suisse Group A.G., Citibank and JPMorgan that has just finished.

Hinting that more litigation may be on the way, Sher reported in his Feb. 10 application to the court plans to hire consulting firm BroadStreet Capital Partners.

"We have also been involved in the wind-down of the business and we are reviewing potential causes of actions against one or more parties," Sher said.

#### **CAPMARK FINANCIAL GROUP INC.**

Commercial real estate finance company Capmark Financial Group Inc.'s bankruptcy featured the largest sale of assets at the time of its Oct. 25, 2009, filing, said creditors' counsel Mayer of Kramer Levin.

The case opened with \$20.1 billion in assets and \$21 billion in debt. By Nov. 24 of that year, the bankruptcy judge approved the \$515 million sale of Capmark's North American servicing and mortgage banking businesses to Berkadia Commercial Mortgage LLC.

The creditors committee also pressed the debtors to file a suit challenging a \$1.5 billion bank debt transaction that occurred several months before the bankruptcy filing, Mayer said. Capmark ended up settling with the lenders.

"In the process we did get \$135 million for the estate. That's not so bad." The court approved Capmark's settlement with the lenders in November 2009.

For its troubles, the firm has also picked up \$4.1 million in legal fees so far, not including 20% the court has held back for future review. Kramer Levin's associates bill at \$455 to \$680 per hour, while special counsel and partner rates range from \$695 to \$950.

The committee also participated in case-related litigation and negotiation of a compensation package for management, Mayer said.

Debtor's counsel Dewey & LeBoeuf of New York has collected more than \$27 million after 20% holdbacks. The pre-holdback fee is based on partner and counsel rates of \$675 to \$995 per hour and associate hourly rates ranging from \$385 to \$635.

Another case milestone was a settlement, which the court approved this month, among Capmark entities in the bankruptcy, Japanese lenders and other Capmark affiliates not involved in the bankruptcy, said Judy Liu, a business solutions and governance group partner at Dewey.

Right now the parties are moving toward developing a bankruptcy plan and could emerge from bankruptcy as early as the year's second quarter, Liu said.

"This is a case where there hasn't been much contention, but the tax issues, the amount of debt and the overall complexity of the business and sophistication of the business has required a lot of analysis and professional involvement," Liu said.

*Sheri Qualters can be contacted at [squalters@alm.com](mailto:squalters@alm.com)*


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Del Chancery relied on language of LLC Act, creditors of LLCs will need contract to bring such suits
- **Bankruptcy remoteness survives**  
Recent decision by bankruptcy appellate panel builds confidence that, in proper circumstances, doctrine will be enforced through dismissal of bankruptcy action
- **Restructuring municipalities a primer**  
Counties, cities and towns, along with municipal-owned entities, would be well-served to understand the Chapter 9 option

# **EXHIBIT C**

Font Size: **Bankruptcy Rates Top \$1,000 Mark in 2008-09**

Amy Kolz  
The American Lawyer  
December 16, 2009

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A review of bankruptcy rates in Delaware and the Southern District of New York shows that a handful of U.S.-based partners at Am Law 200 firms have inched above the \$1,000 rate barrier, making bankruptcy work as lucrative as it was plentiful in 2008 and 2009. Over a 12-month period ending August 2009, there were more than 13,000 billing rate entries submitted by law firms in the nation's two busiest bankruptcy courts, according to a new database compiled by ALM Media.

Among U.S.-based lawyers at Am Law 200 firms, **Shearman & Sterling** tax partner Bernie Pistillo topped the rate chart with an hourly fee of \$1,065 for his work on the bankruptcy of Stock Building Supply Holdings LLC, a building products supplier, in Delaware. (One solo practitioner in Pleasantville, N.Y., Alan Harris, surpassed Pistillo's rate, charging \$1,200 an hour for his work as special real estate litigation counsel on the bankruptcy of Digital Printing Systems in the Southern District of New York.) Eleven other U.S.-based Am Law 200 partners were in the \$1,000-plus club, according to the database. **Cadwalader, Wickersham & Taft** financial restructuring co-chair Deryck Palmer, a former **Weil, Gotshal & Manges** partner, billed Lyondell Chemical Co. at a rate of \$1,050 for work on its 2009 bankruptcy. **Greenberg Traurig** bankruptcy co-chair Bruce Zirinsky, who left **Cadwalader** last January, billed \$1,050 an hour as debtor's counsel for TH Agriculture and Nutrition LLC, as did **White & Case** global restructuring head Thomas Lauria for WCI Communities Inc., and Robert Pincus, the head of the corporate practice in **Skadden, Arps, Slate, Meagher & Flom's** Wilmington office, for Hayes Lemmerz International Inc., an automotive wheel supplier.

Neal Stoll, a **Skadden** antitrust partner, and Sally Thurston, a **Skadden** tax partner, billed \$1,035 for work on the bankruptcies of VeraSun Energy Corp. and Hayes Lemmerz, respectively, while **Latham & Watkins** corporate finance chair Kirk Davenport billed at \$1,025 an hour for Dayton Superior Corp.'s filing. **Paul, Weiss, Rifkind, Wharton & Garrison** partners Carl Reiser and Richard Bronstein billed at \$1,025 for the Buffets Inc., bankruptcy. (Reiser is co-head of the firm's M&A practice and Bronstein is co-chair of its tax practice.) **Simpson Thacher & Bartlett** partners Lee Meyerson and litigator Michael Chepiga charged **Lehman Brothers** \$1,000 an hour on the sale of its brokerage to Barclays Bank PLC.

Absent from the \$1,000 club are **Weil, Gotshal & Manges** restructuring gurus Harvey Miller and Marcia Goldstein. Both clocked rates of \$950 an hour for their work on the **Lehman Brothers** and **BearingPoint Inc.** bankruptcies, respectively. Also, **Kirkland & Ellis'** James Sprayregen billed \$965 an hour for work on the bankruptcies of Lear Corp. and The Reader's Digest Association. And **Jones Day** partner Corinne Bail charged \$900 an hour for her work on Chrysler's filing.

Comparing the median partner rates among Am Law 200 firms in the database demonstrated that there are few bargains when it comes to Chapter 11 work. Among those charging median partner rates of more than \$900 an hour were: **Cadwalader**; **Cleary Gottlieb Steen & Hamilton**; **Davis Polk & Wardwell**; **Milbank, Tweed, Hadley & McCloy**; **Paul Weiss**; **Shearman & Sterling**; **Simpson Thacher**; and **Skadden**. Firms with median partner billing rates between \$800 and \$900 were **Gibson Dunn**, **Fried Frank**, **Latham, Paul Hastings, Weil Gotshal**, and **White & Case**. Firms billing \$700 or below were **Akin Gump Strauss Hauer & Feld**, **Kirkland**, **Sidley Austin**, and **Sonnenschein Nath & Rosenthal**. (Medians can be deceiving, since some firms, such as **Kirkland**, had a difference of more than \$500 between its highest- and lowest-rate partners.)

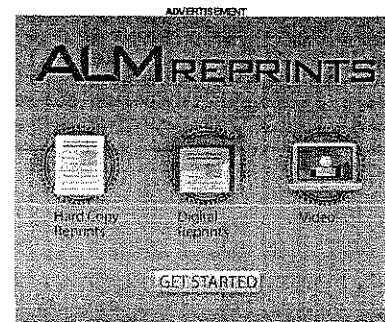
The bankruptcy case with one of the highest median partner rates was **Nortel Networks**. The phone equipment maker paid firms such as **Cleary** and **Kirkland** a median partner rate of \$940. Firms working on the **Lehman** filing billed a median partner rate of \$810 during the time period, while firms working on the filing of **Tribune Co.** billed a median of \$690, according to the database.

Associate rates occasionally topped \$700 an hour on bankruptcies including **Lehman** and **Nortel Networks**, as well as that of the lesser-known **Sportsman's Warehouse**. Discovery attorneys, research specialists and benefits consultants sometimes billed between \$500 and \$800 on cases such as **Nortel**, **Charter Communications** and **Graphics Properties Holdings Inc.**

| FIRM                           | MEDIAN PARTNER RATE* | # PARTNERS FILING |
|--------------------------------|----------------------|-------------------|
| <b>Simpson Thacher</b>         | \$980                | 30                |
| <b>Cleary Gottlieb</b>         | \$960                | 47                |
| <b>Shearman &amp; Sterling</b> | \$950                | 17                |
| <b>Davis Polk</b>              | \$948                | 14                |
| <b>Skadden</b>                 | \$945                | 38                |
| <b>Paul Weiss</b>              | \$925                | 24                |
| <b>Cadwalader</b>              | \$900                | 29                |
| <b>Milbank</b>                 | \$900                | 55                |
| <b>Weil Gotshal</b>            | \$843                | 142               |
| <b>Gibson Dunn</b>             | \$840                | 29                |
| <b>Fried Frank</b>             | \$83                 | 518               |
| <b>Latham &amp; Watkins</b>    | \$830                | 57                |
| <b>White &amp; Case</b>        | \$825                | 21                |
| <b>Paul Hastings</b>           | \$810                | 46                |
| <b>Sidley Austin</b>           | \$700                | 99                |
| <b>Akin Gump</b>               | \$690                | 79                |

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|--------------|-------|-----|
| Kirkland     | \$675 | 149 |
| Sonnenschein | \$625 | 47  |

\*U.S.-based partners only.

The American Lawyer will publish a detailed analysis of the bankruptcy billing rates in its February 2010 issue.

[Click here to order the Excel® version of the 2009 Bankruptcy Billing Rates Report.](#)

*This article first appeared on The Am Law Daily blog on AmericanLawyer.com.*

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# **EXHIBIT D**

# ***Westlaw CourtExpress***

## ***LEGAL BILLING REPORT***

VOLUME 11, NUMBER 1

May 2009

***BY BILLING RATE***

## California Rate Report

| <u>PROFESSIONAL</u>    | <u>FIRM</u>  | <u>GRADUATED</u> | <u>ADMITTED</u> | <u>STATE</u> | <u>RATE</u> | <u>HOURS</u> | <u>TOTAL</u> |
|------------------------|--|------------------|-----------------|--------------|-------------|--------------|--------------|
| P Kelly, Jr., Daniel   | Davis Polk & Wardwell (CA)                         | 1986             | 1986            | CA           | \$ 960.00   | 4.50         | \$ 4,320.00  |
| P Cowles, Julia        | Davis Polk & Wardwell (CA)                         | 1990             | 1990            | CA           | 955.00      | 17.00        | 16,235.00    |
| P Dunham, Scott        | O'Melveny & Myers LLP (CA)                         | 1975             | 1975            | CA           | 860.00      | 1.10         | 946.00       |
| P Tuchin, Michael      | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1990             | 1990            | CA           | 850.00      | 0.50         | 425.00       |
| P Ballack, Karen       | Weil, Gotshal & Manges LLP (CA)                    | 1986             | 1986            | CA           | 799.00      | 0.80         | 639.20       |
| P Arnold, Dennis       | Gibson Dunn & Crutcher, LLP (CA)                   | 1975             | 1976            | CA           | 790.00      | 4.50         | 3,555.00     |
| OC Morris, Michael     | Hennigan Bennett & Dorman LLP                      | 1979             | 1979            | CA           | 760.00      | 65.20        | 49,552.00    |
| P Averch, Craig        | White & Case LLP (CA)                              | 1984             | 1984            | CA           | 750.00      | 128.10       | 96,075.00    |
| P Kharasch, Ira D.     | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1982             | 1982            | CA           | 750.00      | 2.90         | 2,175.00     |
| P Kornfeld, Alan       | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1987             | 1987            | CA           | 725.00      | 0.80         | 580.00       |
| A Lamb, Peter          | Davis Polk & Wardwell (CA)                         | 2005             | 2005            | CA           | 680.00      | 101.40       | 68,952.00    |
| P Irving, Jeanne E.    | Hennigan Bennett & Dorman LLP                      | 1978             | 1978            | CA           | 680.00      | 10.10        | 6,868.00     |
| P Kevane, Henry        | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1985             | 1986            | CA           | 675.00      | 19.10        | 12,892.50    |
| A Gorsich, Ronald      | White & Case LLP (CA)                              | 2001             | 2001            | CA           | 665.00      | 176.20       | 117,173.00   |
| P Brown, Kenneth H.    | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1977             | 1981            | CA           | 650.00      | 27.30        | 17,745.00    |
| P Fidler, David        | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1997             | 1998            | CA           | 650.00      | 23.10        | 15,015.00    |
| P Welssmann, Henry     | Munger Tolles & Olson LLC                          | 1987             | 1987            | CA           | 650.00      | 0.50         | 325.00       |
| P Bertenthal, David M. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1989             | 1993            | CA           | 645.00      | 35.60        | 22,952.00    |
| P Montgomery, Cromwell | Gibson Dunn & Crutcher, LLP (CA)                   | 1997             | 1997            | CA           | 635.00      | 0.80         | 508.00       |
| P Brown, Dennis        | Munger Tolles & Olson LLC                          | 1970             | 1970            | CA           | 625.00      | 17.80        | 11,125.00    |
| A Newman, Samuel       | Gibson Dunn & Crutcher, LLP (CA)                   | 2001             | 2001            | CA           | 610.00      | 13.50        | 8,235.00     |
| A Delrahim, Shiva      | White & Case LLP (CA)                              | 2003             | 2003            | CA           | 600.00      | 183.70       | 110,220.00   |
| P Vincent, Garth       | Munger Tolles & Olson LLC                          | 1988             | 1988            | CA           | 600.00      | 124.60       | 74,760.00    |
| A Scott, Melanie       | White & Case LLP (CA)                              | 2004             | 2004            | CA           | 600.00      | 20.90        | 12,540.00    |
| P Buchanan, Laura      | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1991             | 1991            | CA           | 590.00      | 0.20         | 118.00       |
| A Ger Kwang-chien, B.  | Weil, Gotshal & Manges LLP (CA)                    | 2003             | 2003            | CA           | 580.00      | 28.50        | 16,530.00    |
| A Eddal, David         | Gibson Dunn & Crutcher, LLP (CA)                   | 2003             | 2003            | CA           | 570.00      | 2.90         | 1,653.00     |
| P Heintz, Jeffrey      | Munger Tolles & Olson LLC                          | 1984             | 1984            | CA           | 550.00      | 35.10        | 19,305.00    |
| P Fried, Joshua        | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1995             | 1995            | CA           | 535.00      | 21.40        | 11,449.00    |
| P Ritten, James        | Munger Tolles & Olson LLC                          | 1997             | 1997            | CA           | 525.00      | 25.80        | 13,545.00    |
| A Morse, Joshua        | Hennigan Bennett & Dorman LLP                      | 2000             | 2000            | CA           | 505.00      | 13.10        | 6,615.50     |
| A Maletic, Michael     | Weil, Gotshal & Manges LLP (CA)                    | 2005             | 2005            | CA           | 500.00      | 36.50        | 18,250.00    |
| A Barshop, Melissa     | Gibson Dunn & Crutcher, LLP (CA)                   | 2006             | 2006            | CA           | 470.00      | 14.00        | 6,580.00     |
| A Liu, Leslie          | Weil, Gotshal & Manges LLP (CA)                    | 2006             | 2006            | CA           | 465.00      | 45.90        | 21,343.50    |
| A Kaufman, Derek       | Munger Tolles & Olson LLC                          | 2005             | 2005            | CA           | 450.00      | 508.30       | 226,735.00   |
| A Hochleutner, Brian   | Munger Tolles & Olson LLC                          | 2002             | 2002            | CA           | 435.00      | 0.30         | 130.50       |
| A Nathan, Joseph       | Weil, Gotshal & Manges LLP (CA)                    | 2007             | 2007            | CA           | 415.00      | 25.20        | 10,458.00    |
| A Jasper, M. Lance     | Munger Tolles & Olson LLC                          | 2006             | 2006            | CA           | 400.00      | 96.20        | 38,480.00    |
| A Eskandari, Barney    | Munger Tolles & Olson LLC                          | 2006             | 2006            | CA           | 400.00      | 8.60         | 3,520.00     |
| A Rubln, Erendra E.    | O'Melveny & Myers LLP (CA)                         | 2006             | 2006            | CA           | 395.00      | 8.40         | 3,318.00     |

## California Rate Report

| <u>PROFESSIONAL</u>   | <u>FIRM</u>  | <u>GRADUATED</u> | <u>ADMITTED</u> | <u>STATE</u> | <u>RATE</u> | <u>HOURS</u> | <u>TOTAL</u> |
|-----------------------|--|------------------|-----------------|--------------|-------------|--------------|--------------|
| A Schneider, Bradley  | Munger Tolles & Olson LLC                          | 2004             | 2004            | CA           | \$ 395.00   | 1.30         | \$ 513.50    |
| A Reagan, Matthew     | Weil, Gotshal & Manges LLP (CA)                    | 2008             | 2008            | CA           | 355.00      | 13.50        | 4,792.50     |
| A Guzman, Tanya       | O'Melveny & Myers LLP (CA)                         | 2007             | 2007            | CA           | 330.00      | 2.50         | 825.00       |
| PP Neelha, Ross       | O'Melveny & Myers LLP (CA)                         |                  |                 |              | 260.00      | 6.20         | 1,612.00     |
| Finalyson, Kathe      | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 225.00      | 27.60        | 6,210.00     |
| Jeffries, Patricia J. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 225.00      | 0.40         | 90.00        |
| PP Pearson, Sandra    | Klee, Tuchin, Bogdanoff & Stern, LLP               |                  |                 | CA           | 215.00      | 1.90         | 408.50       |
| PP Floyd, Kevin       | Hennigan Bennett & Dorman LLP                      |                  |                 |              | 210.00      | 0.30         | 63.00        |
| PP Knotts, Cheryl     | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 205.00      | 2.20         | 451.00       |
| CMA Pitman, Sheryle   | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 125.00      | 2.60         | 325.00       |

# ***Westlaw CourtExpress***

## ***LEGAL BILLING REPORT***

VOLUME 11, NUMBER 2

August 2009

***BY BILLING RATE***

## California Rate Report

| PROFESSIONAL           | FIRM   | GRADUATED | ADMITTED | STATE | RATE      | HOURS  | TOTAL      |
|------------------------|--|-----------|----------|-------|-----------|--------|------------|
| P Tolles, Stephen L.   | Gibson Dunn & Crutcher, LLP (CA)                   | 1982      | 1982     | CA    | \$ 860.00 | 0.10   | \$ 86.00   |
| P Patterson, Thomas    | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1984      | 1984     | CA    | 850.00    | 225.00 | 191,250.00 |
| P Tuchin, Michael      | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1990      | 1990     | CA    | 850.00    | 74.40  | 63,240.00  |
| P Stern, David         | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1975      | 1975     | CA    | 850.00    | 32.90  | 27,965.00  |
| P Issler, Paul S.      | Gibson Dunn & Crutcher, LLP (CA)                   | 1986      | 1986     | CA    | 840.00    | 6.35   | 5,334.00   |
| P Arnold, Dennis       | Gibson Dunn & Crutcher, LLP (CA)                   | 1975      | 1976     | CA    | 840.00    | 4.10   | 3,444.00   |
| P Timmons, Brian       | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1991      | 1991     | CA    | 820.00    | 72.80  | 59,696.00  |
| P Ballack, Karen       | Weil, Gotshal & Manges LLP (CA)                    | 1986      | 1986     | CA    | 810.00    | 40.40  | 32,724.00  |
| P Ziehl, Dean A.       | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1978      | 1978     | CA    | 795.00    | 20.30  | 16,138.50  |
| P Glimore, Danielle    | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1993      | 1994     | CA    | 775.00    | 9.50   | 7,362.50   |
| P Averch, Craig        | White & Case LLP (CA)                              | 1984      | 1984     | CA    | 750.00    | 189.20 | 141,900.00 |
| P Keller, Tobias       | Jones Day (CA)                                     | 1990      | 1990     | CA    | 750.00    | 1.90   | 1,425.00   |
| P Baker, James         | Jones Day (CA)                                     | 1980      | 1980     | CA    | 750.00    | 0.20   | 150.00     |
| P Winston, Eric D.     | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1999      | 1999     | CA    | 740.00    | 7.10   | 5,254.00   |
| P Ong, Johanna Y.      | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1997      | 1997     | CA    | 740.00    | 6.30   | 4,662.00   |
| P Kornfeld, Alan       | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1987      | 1987     | CA    | 725.00    | 10.10  | 7,322.50   |
| A Bjork, Jeffrey E     | Sidley Austin Brown & Wood LLP (CA)                | 1997      | 1998     | CA    | 700.00    | 110.90 | 77,630.00  |
| P Myers, Martin        | Jones Day (CA)                                     | 1987      | 1987     | CA    | 700.00    | 26.50  | 18,550.00  |
| P Grassgreen, Debra I. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1991      | 1992     | CA    | 695.00    | 5.50   | 3,822.50   |
| A Gustafson, Mark E.   | White & Case LLP (CA)                              | 1998      | 1998     | CA    | 685.00    | 117.70 | 80,624.50  |
| P Arash, Dora          | Gibson Dunn & Crutcher, LLP (CA)                   | 1995      | 1995     | CA    | 675.00    | 39.40  | 26,595.00  |
| A Gorsich, Ronald      | White & Case LLP (CA)                              | 2001      | 2001     | CA    | 665.00    | 221.50 | 147,297.50 |
| P Montgomery, Cromwell | Gibson Dunn & Crutcher, LLP (CA)                   | 1997      | 1997     | CA    | 635.00    | 2.50   | 1,587.50   |
| A Newman, Samuel       | Gibson Dunn & Crutcher, LLP (CA)                   | 2001      | 2001     | CA    | 610.00    | 11.50  | 7,015.00   |
| A Delrahim, Shiva      | White & Case LLP (CA)                              | 2003      | 2003     | CA    | 600.00    | 217.50 | 130,500.00 |
| A Scott, Melanie       | White & Case LLP (CA)                              | 2004      | 2004     | CA    | 600.00    | 74.90  | 44,940.00  |
| P Trodella, Robert     | Jones Day (CA)                                     | 1996      | 1996     | CA    | 600.00    | 35.30  | 21,180.00  |
| A Ger Kwang-chien, B.  | Weil, Gotshal & Manges LLP (CA)                    | 2003      | 2003     | CA    | 580.00    | 54.20  | 31,436.00  |
| OC Metcalf, Brian      | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1999      | 1999     | CA    | 575.00    | 12.40  | 7,130.00   |
| A Egdal, David         | Gibson Dunn & Crutcher, LLP (CA)                   | 2003      | 2003     | CA    | 570.00    | 0.50   | 285.00     |
| C Crosby IV, Peter     | Jones Day (CA)                                     | 1984      | 1984     | CA    | 565.00    | 13.30  | 7,514.50   |
| A Martin, Jill         | White & Case LLP (CA)                              | 2006      | 2006     | CA    | 550.00    | 45.80  | 25,190.00  |
| A Correa, Michaeline   | Jones Day (CA)                                     | 2001      | 2001     | CA    | 525.00    | 1.70   | 892.50     |
| OC Brandt, Gina F.     | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1976      | 1976     | CA    | 525.00    | 1.30   | 682.50     |
| A Maletic, Michael     | Weil, Gotshal & Manges LLP (CA)                    | 2005      | 2005     | CA    | 500.00    | 175.30 | 87,650.00  |
| A Rodriguez, Noel      | Jones Day (CA)                                     | 2003      | 2003     | CA    | 500.00    | 41.80  | 20,900.00  |
| A Heyn, Mathew         | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2003      | 2003     | CA    | 495.00    | 111.80 | 55,341.00  |
| A Barshop, Melissa     | Gibson Dunn & Crutcher, LLP (CA)                   | 2006      | 2006     | CA    | 470.00    | 4.10   | 1,927.00   |
| A Liu, Leslie          | Weil, Gotshal & Manges LLP (CA)                    | 2006      | 2006     | CA    | 465.00    | 302.70 | 140,755.50 |
| A Chun, Sebyul         | White & Case LLP (CA)                              | 2008      | 2008     | CA    | 460.00    | 162.10 | 74,566.00  |



## California Rate Report

| PROFESSIONAL             | FIRM   | GRADUATED | ADMITTED | STATE | RATE      | HOURS  | TOTAL        |
|--------------------------|--|-----------|----------|-------|-----------|--------|--------------|
| A Morrison, Kelley M     | White & Case LLP (CA)                              | 2008      | 2008     | CA    | \$ 480.00 | 105.50 | \$ 48,530.00 |
| A Hawk, Jonathan         | White & Case LLP (CA)                              | 2007      | 2007     | CA    | 460.00    | 20.30  | 9,338.00     |
| P Phillip, Laurence      | McKenna Long & Aldridge LLP (CA)                   | 1997      | 1997     | CA    | 450.00    | 15.00  | 6,750.00     |
| P Larsen, J David        | McKenna Long & Aldridge LLP (CA)                   | 1997      | 1997     | CA    | 450.00    | 10.00  | 4,500.00     |
| A Guess, David           | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2005      | 2005     | CA    | 430.00    | 366.70 | 157,681.00   |
| A Pozmantier, Courtney   | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2005      | 2005     | CA    | 430.00    | 23.20  | 9,976.00     |
| A Dickerson, Matthew     | Sidley Austin Brown & Wood LLP (CA)                | 2007      | 2007     | CA    | 425.00    | 25.30  | 10,752.50    |
| A Tran, William          | Sidley Austin Brown & Wood LLP (CA)                | 2006      | 2006     | CA    | 425.00    | 5.40   | 2,295.00     |
| A Nathan, Joseph         | Weil, Gotshal & Manges LLP (CA)                    | 2007      | 2007     | CA    | 415.00    | 61.50  | 25,522.50    |
| A Wilson, Lorna S.       | Gibson Dunn & Crutcher, LLP (CA)                   | 2008      | 2008     | CA    | 400.00    | 4.00   | 1,600.00     |
| A Simonds, Ariella       | Sidley Austin Brown & Wood LLP (CA)                | 2008      | 2008     | CA    | 375.00    | 49.30  | 18,487.50    |
| A Deenihan, Kevin        | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2008      | 2008     | CA    | 300.00    | 4.70   | 1,410.00     |
| A Elliot, Korin          | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2008      | 2008     | CA    | 300.00    | 2.10   | 630.00       |
| LIB Forrester, Leslie A. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |           |          |       | 250.00    | 4.90   | 1,225.00     |
| PP Harris, Denise A.     | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |           |          |       | 225.00    | 8.50   | 1,912.50     |
| PP Grycener, Michelle    | McKenna Long & Aldridge LLP (CA)                   |           |          |       | 215.00    | 40.60  | 8,729.00     |
| PP Pearson, Sanda        | Klee, Tuchin, Bogdanoff & Stern, LLP               |           |          | CA    | 215.00    | 36.00  | 7,740.00     |
| PP Brown, Thomas J.      | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |           |          |       | 195.00    | 2.00   | 390.00       |
| LIB Jones, Carla H.      | Gibson Dunn & Crutcher, LLP (CA)                   |           |          |       | 165.00    | 0.50   | 82.50        |

# ***Westlaw CourtExpress***

## ***LEGAL BILLING REPORT***

VOLUME 11, NUMBER 3

December 2009

***BY BILLING RATE***



## California Rate Report

| PROFESSIONAL             | FIRM   | GRAQUATED | ADMITTED | STATE | RATE      | HOURS  | TOTAL         |
|--------------------------|--|-----------|----------|-------|-----------|--------|---------------|
| P Pachulski, Richard M.  | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1979      | 1979     | CA    | \$ 885.00 | 287.62 | \$ 257,419.90 |
| P Patterson, Thomas      | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1984      | 1984     | CA    | 850.00    | 392.60 | 333,710.00    |
| P Tuchin, Michael        | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1990      | 1990     | CA    | 850.00    | 201.40 | 171,190.00    |
| P Stern, David           | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1975      | 1975     | CA    | 850.00    | 68.80  | 58,480.00     |
| P Pachulski, Richard M.  | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1979      | 1979     | CA    | 850.00    | 68.00  | 57,800.00     |
| P Arnold, Dennis         | Gibson Dunn & Crutcher, LLP (CA)                   | 1975      | 1976     | CA    | 840.00    | 1.00   | 840.00        |
| P Ziehl, Dean A.         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1978      | 1978     | CA    | 825.00    | 258.25 | 211,406.25    |
| P Timmons, Brian         | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1991      | 1991     | CA    | 820.00    | 240.60 | 197,282.00    |
| P Lyons, Duane           | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1986      | 1986     | CA    | 820.00    | 80.20  | 65,764.00     |
| P Orgel, Robert B.       | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1981      | 1981     | CA    | 795.00    | 357.30 | 284,053.50    |
| P Richards, Jeremy       | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1980      | 1981     | CA    | 795.00    | 158.50 | 126,007.50    |
| P Ziehl, Dean A.         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1978      | 1978     | CA    | 795.00    | 94.00  | 74,730.00     |
| P Ziehl, Dean A.         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1978      | 1978     | CA    | 795.00    | 20.30  | 16,138.50     |
| P Winston, Eric D.       | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1999      | 1999     | CA    | 740.00    | 54.00  | 39,960.00     |
| P Ong, Johanna Y.        | Quinn Emanuel Urquhart Oliver & Hedges, LLP        | 1997      | 1997     | CA    | 740.00    | 11.20  | 8,288.00      |
| P Kornfeld, Alan         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1987      | 1987     | CA    | 725.00    | 10.10  | 7,322.50      |
| P Grassgreen, Debra I.   | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1991      | 1992     | CA    | 695.00    | 5.50   | 3,822.50      |
| C Caine, Andrew          | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1983      | 1983     | CA    | 695.00    | 3.40   | 2,363.00      |
| P Parker, Daryl          | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1968      | 1970     | CA    | 675.00    | 60.80  | 41,040.00     |
| P Mahoney, James         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1966      | 1967     | CA    | 675.00    | 16.60  | 11,205.00     |
| P Arash, Dora            | Gibson Dunn & Crutcher, LLP (CA)                   | 1995      | 1995     | CA    | 675.00    | 14.80  | 9,990.00      |
| P Davids, Ronn           | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1995      | 1995     | CA    | 650.00    | 1.40   | 910.00        |
| A Newman, Samuel         | Gibson Dunn & Crutcher, LLP (CA)                   | 2001      | 2001     | CA    | 610.00    | 3.70   | 2,257.00      |
| C Hochman, Harry         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1987      | 1987     | CA    | 585.00    | 100.80 | 59,976.00     |
| A Newmark, Victoria      | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1996      | 1997     | CA    | 595.00    | 32.50  | 19,337.50     |
| C Cho, Shirley           | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1997      | 1997     | CA    | 595.00    | 19.40  | 11,543.00     |
| C Hochman, Harry         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1987      | 1987     | CA    | 575.00    | 57.60  | 33,120.00     |
| A Dinkelman, Jennifer    | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1999      | 1999     | CA    | 575.00    | 1.40   | 805.00        |
| OC Metcalf, Brian        | Klee, Tuchin, Bogdanoff & Stern, LLP               | 1999      | 1999     | CA    | 575.00    | 0.70   | 402.50        |
| OC Brandt, Gina F.       | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1976      | 1976     | CA    | 525.00    | 1.30   | 682.50        |
| A Heyn, Mathew           | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2003      | 2003     | CA    | 495.00    | 109.70 | 54,301.50     |
| P Brown, Gillian         | Pachulski Stang Ziehl Young Jones & Weintraub (CA) | 1999      | 1999     | CA    | 495.00    | 0.50   | 247.50        |
| A Barshop, Melissa       | Gibson Dunn & Crutcher, LLP (CA)                   | 2006      | 2006     | CA    | 470.00    | 2.10   | 987.00        |
| A Liu, Leslie            | Wall, Gotshal & Manges LLP (CA)                    | 2006      | 2006     | CA    | 465.00    | 9.80   | 4,557.00      |
| P Phillip, Laurence      | McKenna Long & Aldridge LLP (CA)                   | 1997      | 1997     | CA    | 450.00    | 2.70   | 1,215.00      |
| A Guess, David           | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2005      | 2005     | CA    | 430.00    | 402.90 | 173,247.00    |
| PP Sarles, Joseph C      | Quinn Emanuel Urquhart Oliver & Hedges, LLP        |           |          |       | 380.00    | 4.60   | 1,748.00      |
| A Elliot, Karin          | Klee, Tuchin, Bogdanoff & Stern, LLP               | 2008      | 2008     | CA    | 300.00    | 16.80  | 4,980.00      |
| PP Lacroix, Martine      | Quinn Emanuel Urquhart Oliver & Hedges, LLP        |           |          |       | 250.00    | 20.30  | 5,075.00      |
| LIB Forrester, Leslie A. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |           |          |       | 250.00    | 4.90   | 1,225.00      |

*California Rate Report*

| <u>PROFESSIONAL</u>      | <u>FIRM</u>  | <u>GRADUATED</u> | <u>ADMITTED</u> | <u>STATE</u> | <u>RATE</u> | <u>HOURS</u> | <u>TOTAL</u> |
|--------------------------|--|------------------|-----------------|--------------|-------------|--------------|--------------|
| LIB Forrester, Leslie A. | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | \$ 250.00   | 1.80         | \$ 450.00    |
| PP Harris, Denise A.     | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 225.00      | 47.90        | 10,777.50    |
| PP Harris, Denise A.     | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 225.00      | 8.50         | 1,912.50     |
| PP Harrison, Felice      | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 225.00      | 0.40         | 90.00        |
| PP Grycener, Michelle    | McKenna Long & Aldridge LLP (CA)                   |                  |                 |              | 215.00      | 60.40        | 12,986.00    |
| PP Pearson, Sandra       | Klee, Tuchin, Bogdanoff & Stern, LLP               |                  |                 |              | 215.00      | 52.40        | 11,266.00    |
| PP Brown, Thomas J.      | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 195.00      | 59.75        | 11,651.25    |
| PP Matteo, Mike          | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 195.00      | 6.00         | 1,170.00     |
| PP Brown, Thomas J.      | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 195.00      | 2.00         | 390.00       |
| LS Everheart, Christine  | McKenna Long & Aldridge LLP (CA)                   |                  |                 |              | 180.00      | 3.00         | 540.00       |
| PP Sahn, Andrew          | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 150.00      | 16.90        | 2,535.00     |
| PP Bass, John            | Pachulski Stang Ziehl Young Jones & Weintraub (CA) |                  |                 |              | 150.00      | 0.80         | 120.00       |